IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS WACO DIVISION

ESCAPEX IP, LLC,	§
Plaintiff,	§ § § G: '1 A d' N. (22 00420 ADA
	§ Civil Action No. 6-22-cv-00428-ADA
VS.	§
	§ JURY TRIAL DEMANDED
GOOGLE LLC,	§
	§
Defendant.	§
	§

NOTICE OF PLAINTIFF'S NON-OPPOSITION TO DEFENDANT'S MOTION TO TRANSFER VENUE (D.I. 18) AND STATUS REPORT UNDER OGP 4.2 SECTION VI

Pursuant to Local Rule CV-7(D)(2) and the Court's Standing Order Governing Proceedings (OGP) 4.2—Patent Cases ("OGP4.2"), Defendant Google LLC ("Google") submits this notice of status report regarding its Motion Under 28 U.S.C. § 1404(a) to Transfer Venue to the Northern District of California ("Transfer Motion") filed on November 21, 2022 (D.I. 18).

Under the OGP, a party who has "filed a motion to transfer shall provide the Court with a status report indicating whether the motion has been fully briefed . . . when the motion to transfer becomes ready for resolution." OGP4.2 § VI. Because Plaintiff EscapeX IP, LLC ("EscapeX") did not file a notice of venue discovery under OGP4.2 § V and has not conducted any venue discovery, EscapeX's response was due fourteen days after the Opening Brief—December 5, 2022. See OGP4.2 § VI (response due "14 days after the completion of venue or jurisdictional discovery, if such discovery is conducted; otherwise, 14 days after the Opening brief") (emphasis added); § V ("Parties shall file a notice of venue or jurisdictional discovery if the discovery will delay a response to a motion to transfer.").

EscapeX has not: (1) filed a notice of venue discovery pursuant to OGP4.2 § V; (2) conducted any discovery pursuant to OGP4.2 § VI; nor (3) filed a response to Google's Transfer Motion within the prescribed fourteen-day time period. Thus, the Transfer Motion is "ready for resolution." OGP4.2 § VI.

Google therefore requests its Transfer Motion be deemed unopposed and that the Court grant the relief requested therein to transfer this case to the Northern District of California. See D.I. 18; Local Rule CV-7(D)(2) ("If there is no response filed within the time period prescribed by this rule, the court may grant the motion as unopposed."); Traxcell Techs., LLC v. Google LLC, No. 6:21-CV-1312-ADA, 2022 WL 3593054, at *1 (W.D. Tex. Aug. 22, 2022) ("Because Plaintiff did not file a response or notice of venue discovery within 14 days, the Court considers this Motion unopposed. When motions are unopposed, a court may grant the motion."); De La Vega v. Amazon (USA), Inc., No. 6-19-cv-00618-ADA (W.D. Tex. Feb. 7, 2020) (text order stating "[b]ecause Mr. De La Vega has not filed his response within the 7-day time period prescribed by Local Rule CV-7, the Court GRANTS this motion as unopposed"); Jefferson Street Holdings Intellectual Property LLC v. Tech21 Inc., Case No. 5-18-cv-00806, Dkt. No. 32 at 1 (W.D. Tex. Oct. 29, 2019) ("Although the deadline has passed, no response has been received by the Court. Accordingly, the Court considers the motion to be unopposed."); Yeti Coolers, LLC v. Rtic Coolers, LLC, No. 1:15-CV-00597-RP, 2016 WL 5956081, at *2 (W.D. Tex. Aug. 1, 2016) ("For good cause shown, and as RTIC did not timely respond to YETI's motion for redaction, the Court grants YETI's motion as unopposed."); Kaden v. Smith, 3-15-cv-00146, Dkt. No. 26 at 1 (W.D. Tex. Mar. 09, 2016) ("As of this date, Defendant has filed no response. Therefore, the Court will grant Plaintiff's Motion as unopposed.").

Dated: December 8, 2022 Respectfully submitted,

/s/ Brian C. Banner

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Attorney for Defendant Google LLC

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of December, 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Brian C. Banner
Brian C. Banner
Attorney for Defendant Google LLC